

JAN 25 2006

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

**Criminal Action No.
03-CR-64 (NAM)**

**HELP THE NEEDY
HELP THE NEEDY ENDOWMENT, INC.**

Defendants.

ORDER FOR DISMISSAL

Pursuant to Rule 48(a) of the Federal Rules of Criminal Procedure and by leave of court endorsed hereon, the United States Attorney for the Northern District of New York hereby dismisses (a) Count Two of Indictment No. 03-CR-64 against Help the Needy and Help the Needy Endowment, Inc., (b) Counts Three through Ten of Indictment No. 03-CR-64 against Help the Needy and (c) Counts Eleven through Fourteen of Indictment No. 03-CR-64 against Help the Needy Endowment, Inc. With the dismissal of the criminal charges, the forfeiture allegations are also dismissed.

The reason(s) for this dismissal are (check one or more):

☐ Case transferred to another District

☐ Speedy Trial Act

___ Defendant's cooperation

___ Insufficient evidence at this time

x Other: On June 20, 2005, New York State Supreme Court Justice Anthony J. Paris signed an Order and Judgment (1) dissolving Help the Needy and Help the Needy Endowment, Inc. (collectively HTN), (2) authorizing the Attorney General of the State of New York (the "NY Attorney General") to receive assets of HTN and (3) directing the NY Attorney General to fulfill his statutory obligation and oversee the ultimate transfer of HTN assets to a bona fide charitable organization(s) for distribution in a manner consistent with the intent of the individuals who donated money to HTN.

This Court has directed the financial institutions located in the United States (Oneida Savings Bank and Key Bank) holding HTN funds to transfer such funds to the control of the NY Attorney General, as successor to HTN. This Court's Memorandum Decision and Order of January 24, 2006, further directs co-defendant Rafil Dhafir to pay \$484,998 restitution owed to HTN directly to the NY State Law Department Restitution Account. Accordingly, the Defendants, Help the Needy and Help the Needy Endowment Inc. no longer have corporate existence, and all of their assets located in the United States, including any right they may have to restitution from Rafil Dhafir, have been ordered transferred to the NY Attorney General for further transmission to help needy people in Iraq.

In these circumstances, there is no further purpose to be served by prosecuting organizations that are, effectively, New York State controlled receiverships. As the Government has previously stated in court, if further assets are located or obtained by the United States, the Government will transfer those assets to the NY Attorney General (as successor to HTN) for further transmission to help needy people in Iraq.

With respect to this dismissal, defendant (check one):

☐ Consents

☐ Objects

☒ Has not been consulted

This dismissal is with prejudice.

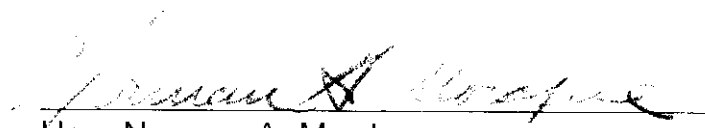
GLENN T. SUDDABY
United States Attorney



By: Michael C. Olmsted
Assistant U.S. Attorney
Bar Roll No. 505858

Leave of court is granted for the filing of the foregoing dismissal.

Dated: January 25, 2006
Syracuse, New York


Hon. Norman A. Mordue
United States District Court Judge